



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,468	09/28/2000	John Bryan Ibbotson	GB919990081US1/1751P	8913

7590 02/12/2003

Sawyer Law Group LLP  
P O Box 51418  
Palo Alto, CA 94303

EXAMINER

PILLAI, NAMITHA

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/675,468

Applicant(s)

IBBOTSON ET AL.

Examiner

Namitha Pillai

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2173

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4-7, 8-11 <sup>and 18-20</sup> ~~and 13-16~~ are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 5,555,367 (Premerlani et al.).

Referring to claims 1, 18, 19 and 20, Premerlani discloses a tool for graphically defining an expression (column 1, lines 9-11). Premerlani also discloses a graphic user interface which is responsive to user input for defining a tree structure comprising a hierarchical series of nodes (column 4, lines 25-29) and lists comprising a plurality of items with each item being associated with respective node of an associated tree (Figure 2). Premerlani discloses that an expression is generated after reading the graphic definition of the expression provided by a user through the GUI component (column 2, lines 35-37). Premerlani also discloses that the graphic definition is analyzed to generate an expression based on the structure of the tree and the list items associated with the respective nodes of a tree (column 2, lines 55-57).

Referring to claim 2, Premerlani discloses that the expression is adapted to configure one of a plurality of nodes of a database query (column 1, lines 56-57).

Referring to claim 4, Premerlani discloses that the nodes comprise leaf and branch nodes with the branch nodes representing complex structured fields and the leaf nodes representing simple fields comprising one of string, integer, real or a date (Figure 2).

Art Unit: 2173

Referring to claim 5, Premierlani discloses that items from the list comprise an expression as seen by the expression used in the query code of Figure 8C. As such each of the list item can be represented and referred to through this expression.

Referring to claim 6, Premierlani discloses that the GUI component is adapted to allow a user to define a tree structure representing an input data structure wherein the associated list item defines a filtering constraint (column 5, lines 4-6 and lines 12-13).

Referring to claim 7, Premierlani discloses allowing users to define two tree structures, each having an associated list with at least one list item associated with a first node of a first input tree identifying a second node of a second input tree structure from which an expression joining the two input tree on the nodes are generated (column 1, lines 25-35). Premierlani discloses that the idea of joining two structures is common through querying and is implemented in query languages, as would be the case when an expression joining the two structures is generated.

Referring to claim 8, Premierlani discloses allowing the user to define an input tree structure having two or more associated lists (the structure of Figure 8c). Premierlani also discloses that at least one item from each list comprises from which the expression being generated is an expression with a logical conditional statement (code generated in Figure 8c). Premierlani discloses a logical AND statement based on the items from the list within the nodes of the structure (Figure 8c). This AND statement is based on the type of query that has been diagrammed by the user. Hence based on the kinds of queries inputted by the user, the logical condition statement in the expression can be either of logical AND or OR.

Referring to claim 9, Premierlani discloses allowing users to graphically link two or more nodes within one input tree structure from which the expression generates a logical expression limiting the nodes to equality (Figures 7b and 7c).

Referring to claim 10, Premierlani discloses allowing users to further define a tree structure representing an output data structure wherein any associated list item defines a formatting definition (column 4, lines 50-54 and column 5, lines 5-6).

Referring to claim 11, Premierlani discloses an input structure and output structure, each having an associated list, at least one of the list items for the output structure identifying a node of the input tree structure (column 4, lines 35-32 and lines 55-57).

Referring to claim 13, Premierlani discloses that the GUI component is adapted to allow a user to define a list item comprising a free variable which represents the associated tree structure node within the graphical definition (Figure 7b).

Referring to claim 14, Premierlani discloses that the GUI component is adapted to allow a user to define a tree structure comprising a node represented by a wildcard symbol with the symbol representing the node and all otherwise undefined sub-structures of the node (Figure 5). Figure 5 depicts a user being allowed to define a tree with undefined nodes.

Referring to claim 15, Premierlani discloses that the GUI component is adapted to allow a user to define a structure comprising a branch node having a substructure comprising one or more defined nodes and a node represented by a wildcard symbol (column 4, lines 11-13 and Figure 2, reference number 32).

Art Unit: 2173

Referring to claim 16, Premierlani discloses that the analyzing means is cooperable within a grammatical definition of the graphic definition to generate the expression (Figure 7c).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Premierlani and U. S. Patent No. 6,377,953 B1 (Gawlick et al.).

Referring to claim 3, Premierlani discloses that the query expression is in code form (Figure 7C) but does not disclose that the expression is in the form of SQL3. Gawlick discloses that SQL is a popular database language with numerous versions, one of them being SQL3 (column 1, lines 23-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Premierlani's invention such that the expression was an SQL3 expression. Premierlani has disclosed a system that deals with databases and hence the users of such a system would most likely be familiar with popular database languages such as SQL. Gawlick teaches the importance of SQL3 in database programming. One skilled in the art, at the time of the invention, would be motivated to learn from Gawlick to implement the expression so that it would be an SQL3 expression, thereby making it easier for those working in the database technology to be both familiar and accustomed to the language being used.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Premarlani.

Referring to claim 12, Premarlani discloses that the GUI component is adapted to display a list for an output tree under the node that it is associated with (Figure 7a). The placement of this list could have been on the left, right, below (as disclosed in Premarlani) or above the nodes in the tree. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Premarlani's invention such that the list associated with the nodes were displayed to the left of the tree. Placing the list in association with the nodes in the data structure does not change the implementation of the system. It is merely for aesthetic purposes and hence one skilled in the art would have been motivated to place the list on any of the sides of the tree for displaying, including to the left of the tree.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Premarlani and U. S. Patent No. 6,476,833 B1 (Moshfeghi).

Referring to claim 17, Premarlani does disclose that the nodes comprises a filter (column 5, lines 12-13) but does not disclose that it filters XML messages. Moshfeghi discloses the filtering of XML documents (column 3, line 43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Premarlani's invention such that there were a means for filtering XML messages. XML's filtering process according to Moshfeghi is done to parse the content of messages to locate all the linking information for subsequent processing. Premarlani would need a means for processing the messages concerning the queries submitted by the user. Hence,

Art Unit: 2173

one skilled in the art, at the time of the invention would be motivated to learn from Moshfeghi to disclose a means for filtering XML documents.

*Conclusion*

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a method for using a graphical structure to generate an expression.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231.

If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

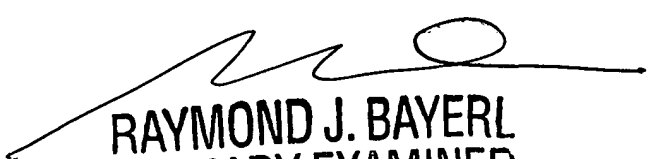


Art Unit: 2173

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
February 6, 2003



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173